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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,122	06/14/2006	Yoav Eichen	42844	3110
67801	7590	07/21/2008		
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.				
P.O. BOX 16446				
ARLINGTON, VA 22215				
EXAMINER				
LSTVOYB, GREGORY				
ART UNIT		PAPER NUMBER		
1796				
MAIL DATE		DELIVERY MODE		
07/21/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/533,122

**Applicant(s)**

EICHEN ET AL.

**Examiner**

GREGORY LISTVOYB

**Art Unit**

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-17 is/are rejected.
- 7) ☒ Claim(s) 18-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/ISD)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: IDS: 12/19/2006
- Paper No(s)/Mail Date: 5/05/2008

**DETAILED ACTION**

***Election/Restrictions***

Claims 1-13 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected oligomer or polymer, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4/10/2008.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 14 rejected under 35 U.S.C. 102(b) as being anticipated by Kishi et al (JP 63-253679, Abstract).

Kishi teaches an electronic device consisting of a electronically active macromolecular layer having at least one organic compound with pi-electron level. The above compound is a polypeptide, i.e. a polymer comprising amino acid.

Claims 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fox et al (US 4514584).

Fox teaches organic photovoltaic device, which contains electrically active aminoacids (see Column 3, line 15), which can be straight or branched (see Column 2, line 5, meeting the limitations of claims 15-16) and comprise active and inactive parts, i.e. conjugated and non-conjugated segments (see Examples 1-6), meeting the limitations of Claim 17.

Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Meredith (US 2004/0231719) herein Meredith.

e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Meredith teaches a photovoltaic cell and photoelectric device (see claim 13) comprising melamine-like biomolecules (i.e. amino acids, such as tyrosine, dihydroxyphenylalanine (see Claim 4), which can be straight or branched.

Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Swager et al (US 7041910) herein Swager.

Swager teaches a electroluminescent device (see Column 1, line 30) based on emissive, high charge transport conjugative polymers (see Column 14, line 5), based on aminoacids (see Column 13, line 15).

Swager teaches that the polymer, which can be branched or straight, comprises one or more pi-conjugated subunits, can be embedded to a main chain or present in the branch (see Figs. 10-12).

Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaelin et al (US 7176345) herein Kaelin.

Kaelin teaches light generating fusion protein used in the device used in diagnostics and drug screening (see Abstract).

Kaelin teaches that the above protein build from sequence of amino acids, which include pi-conjugated moieties (see Fig 19). The protein above has straight and branched fragments.

Claims 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by McDonald et al (US 2005/0043506) herein McDonald.

McDonald teaches a light emitting diode (see line 0049), based on conjugated and electrically conductive polymer (see line 0031), based on amino acids (see line 0040). The above polymer can have a straight chains or branches (see Figs 2B and 3B), more than one active segments and electroactive segments embedded into main chain of the macromolecule.

***Claim objection***

Claims 18-27 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such other claims in the alternative only. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim.

In particular, Claim 18 depends on claim 17, which is depends on any of claims 14 to 16. Therefore, Claim 18 is multiple dependent claim. All the claims, which depend on the above claims are also multiple dependent claims.

Claims 19 depends on claims 13 to 18, one of which is a multiple dependent claim.

Thus, claims 18-27 are multiple dependent claims. Therefore, the above claims are withdrawn from further consideration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY LISTVOYB whose telephone number is (571)272-6105. The examiner can normally be reached on 10am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rabon Sergent/  
Primary Examiner, Art Unit 1796

GL

